IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 7459 of 2005(O&M)

Date of Decision: 23.11.2006

Tirath Kaur .... Petitioner

Versus

State of Punjab and others. ... Respondents

CORAM : HON'BLE MR. JUSTICE J.S. KHEHAR
HON'BLE MR. JUSTICE S.D. ANAND

Present : Mr. S.K. Sharma Budhladawale, Advocate,
for the petitioner.

Mr. Ashok Aggarwal, Additional Advocate General, Punjab,
for the respondents.

J.S. Khehar, J. (Oral)

The petitioner applied for appointment as a S.S. Mistress in response to an advertisement dated 12.01.1996. The pleadings of the instant writ petition reveal that the process of selection was concluded in the year 1996 itself. Be that as it may, various legal controversies came to be raised from time to time in respect of the aforesaid selection process before this Court. In fact, the petitioner also approached this Court by filing Civil Writ Petition No. 17696 of 2001, which was disposed of by an order dated 07.11.2001. Relevant part of the aforesaid order is being extracted hereunder:-

> "In the present circumstances, the case be direct the respondent to pass speaking order on the legal notice dated 5.7.2001 Annexure P/12 in accordance with law within a period of three months from the date of certified copy of this order is brought

to their notice. We leave the question of delay open for the respondents to be considered."

In furtherance of the directions issued by this Court in Civil Writ Petition No. 17696 of 2001, the Coordinator, Departmental Selection Committee (Teaching), Punjab, re-adjudicated the claim raised by the petitioner for more marks in the process of selection through an order dated 28.02.2002. Even on re-adjudication, the petitioner's claim for appointment in furtherance of the selection process conducted in response to the advertisement dated 12.01.1996 was found to be unjustified. It is the aforesaid determination in the order dated 28.02.2002, which is subject matter of challenge at the hands of the petitioner through the instant writ petition.

During the course of hearing of the instant case, learned counsel for the petitioner was required to place on the record of the case the rules for awarding marks for experience obtained by the candidates who had participated in the process of selection under reference. In furtherance of the aforesaid direction, the petitioner has placed on the record of the case, the selection criterion as Annexure P/18. A perusal of Annexure P/18 reveals that candidates who participated in the process of selection were to be awarded one mark for one years experience, and ½ mark for experience for more than six months, subject to a maximum of five marks.

The impugned order reveals that the petitioner had an experience of 3 years, 5 months and 14 days. He was awarded 2.5 marks, for experience, by the Selection Committee. It is also acknowledged in the impugned order dated 28.02.2002, that the petitioner ought to have been awarded three marks for the experience (as against 2.5 marks actual awarded

to him). It is, however, further noticed in the impugned order, that even if three marks are granted to the petitioner for experience, his total marks in the selection process would add upto 52.88. Even with the aforesaid marks, the petitioner could not have been appointed against the post of Social Studies Mistress because the last selected female candidate, who had been appointed in furtherance of the aforesaid process of selection, was awarded 53.1 marks.

The factual position is, that the petitioner could have been awarded only three marks for the experience earned by her, on the basis of the certificate appended by the petitioner to the application form submitted by her, in response to the advertisement dated 12.01.1996, which is not a matter of dispute at the hands of the petitioner. Even if the petitioner is given credit of three marks for the same in terms of his entitlement, he would not fall in the zone of selection, as her total marks would still be less than the marks awarded to the last candidate appointed as S.S. Mistress.

In view of the above, we find no infirmity in the determination at the hands of the respondents in not appointing the petitioner, despite the marks to which the petitioner was entitled to on account of experience.

Dismissed.

(J.S. Khehar)
Judge

November 23, 2006
vkd

(S.D. Anand)
Judge